

WOMBLE  
CARLYLE  
SANDRIDGE  
& RICE

A PROFESSIONAL LIMITED  
LIABILITY COMPANY

One Atlantic Center  
1201 West Peachtree Street, N.E.  
Suite 3500  
Atlanta, GA 30309

Telephone: (404) 872-7000  
Fax: (404) 888-7490

GEORGIA  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, D.C.

## FACSIMILE

Please call us at the following number if the message you receive is incomplete  
or not legible: (404) 872-7000.

<b>TO</b>	John Gillon, Esq.	Friday, March 05, 2004 11:20:58 AM
<u>Name</u>		<u>Date</u>
		1(703) 305 4257
<u>Company/Firm</u>		<u>Fax #</u>
<b>FROM</b>	John Timar	(404) 870-8177
<u>Name</u>		<u>Direct Fax #</u>
Number of Pages (Including Cover) 04		(404)888-7412
		<u>Direct Dial #</u>

**MESSAGE:**

# COPY

**CONFIDENTIAL AND PRIVILEGED**

*The information contained in this facsimile is privileged and confidential information intended for the sole use of the addressee. If the reader of this facsimile is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this FAX in error, please immediately notify the person listed above, and return the original message by mail to the sender at the address listed above.*

Serial No. 10/080,746 Filed: 2/22/03  
Patent No. \_\_\_\_\_ Issued: / /  
TM/SM Reg. \_\_\_\_\_ Reg.: / /  
Applicant: Kriszweiner, et al.  
For: Early Warning System for Detection of  
Bio-terrorist Event  
Docket No. H159 1010 C/M Date: 5/9/05  
Express Mail No. \_\_\_\_\_ Date Due: / /

PATENT AND TRADEMARK  
OFFICE STAMP HEREON  
ACKNOWLEDGES RECEIPT OF  
THE FOLLOWING PAPERS:

Fees \$ 620.00 (deposit account) \_\_\_\_\_  
 Missing Parts Response \_\_\_\_\_  
 Amendment \_\_\_\_\_  
     Non-Final  Final \_\_\_\_\_  
 Preliminary Amendment \_\_\_\_\_  
 Petition for Extension of Time to: / /  
 Response \_\_\_\_\_  
 Assignment  Cover Sheet  Statement of Use & Declar.  
 IDS/Form PTO-1449 \_\_\_\_\_ Specimen(s)  
 Priority Document(s) \_\_\_\_\_  Affidavit Under § 8 \_\_\_\_\_ Specimen(s)  
 Issue Fee Transmittal \_\_\_\_\_  Affidavit Under §§ 8& 15 \_\_\_\_\_ Specimen(s)  
 Maintenance Fee Transmittal \_\_\_\_\_  
 Declaration Under § \_\_\_\_\_ Specimen(s)  
 \_\_\_\_\_ Sheets of Drawings  Application for Renewal  
     Formal  Informal \_\_\_\_\_ Specimen(s)  
 Letter to the Draftsman  Extension of Time to File \_\_\_\_\_  
 Terminal Disclaimer Statement of Use \_\_\_\_\_  
 Verified Statement(s) Under 37 CFR 1.9 and 1.27 \_\_\_\_\_  
 Transmittal Cover Sheet for \_\_\_\_\_  
 Other Petition to Revise Application for  
    Failure to Notify Office of Foreign Filing \_\_\_\_\_

Initials: JDO



COPY

Practitioner's Docket No. 2159 1010

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Beiswenger, et al.

Application No.: 10/080,746

Group No.: 2182

Filed: February 22, 2002

Examiner: Not Assigned

For: Early Warning System and Methods for Detection of a Bioterrorist Event

**Commissioner for Patents**  
Washington, D.C. 20231**PETITION TO REVIVE APPLICATION ABANDONED FOR FAILURE TO  
NOTIFY OFFICE OF FOREIGN FILING**  
(37 C.F.R. § 1.137(f))**COPY**

1. This application was filed initially with a request for nonpublication because there was no intention at that time to file an application for the subject matter of this invention in a foreign country or under a multinational treaty which requires publication of the application eighteen months after the filing.
2. On February 22, 2003 an international application for the subject matter of this invention was filed under the Patent Cooperation Treaty.
3. No notification of this foreign filing within the 45 day period required by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 C.F.R. § 1.213(c) has been made.
4. Applicant hereby petitions, in accordance with 37 C.F.R. § 1.137(f) for the revival of this application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\****(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.10\*

37 C.F.R. § 1.8(a)

G as "Express Mail Post Office to Addressee"

X with sufficient postage as first class mail. Mailing Label No. \_\_\_\_\_ (mandatory)

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Diana Ogle

(type or print name of person certifying)

Date: 5/9/03

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

5. Applicant declares that the entire delay from the due date for notifying the Office of the foreign filing until the filing of this petition was unintentional.

6. Outstanding matters for this application:

None

7. Payment of petition fee:

The petition fee of \$620.00 under § 1.17(m) (small entity (§ 1.27(a))) is paid as follows:

The Commissioner is hereby authorized to charge \$620.00 to deposit account no. 09-0528.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to account no. 09-0528.

A duplicate of this paper is attached.

Date:

5/9/03



Signature of Practitioner

John J. Timar  
Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037

Reg. No.: 32,497  
Tel. No.: 404-888-7349  
Customer No.: 26158

# Slater & Matsil, L.L.P.

Suite 1000  
17950 Preston Road  
Dallas, Texas 75252  
Phone: (972) 732-1001 Facsimile: (972) 732-9218

## FACSIMILE TRANSMITTAL SHEET

\*\*\* THE ACCOMPANYING MATERIAL MAY BE PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED FOR THE SOLE USE OF THE NAMED RECIPIENT. PLEASE DELIVER PROMPTLY TO THE NAMED RECIPIENT ONLY. IF YOU HAVE RECEIVED THIS MATERIAL IN ERROR, PLEASE TELEPHONE THE SENDER FOR INSTRUCTIONS. \*\*\*

TO: Nancy Johnson FAX NO.: 703-305-4257  
Office of Petitions

FROM: Natalie Swider  
Legal Assistant

DATE: March 5, 2004 NO. OF PAGES: 4  
(including cover page)

RE: Application Serial No. 09/745,676  
Attorney Docket No. 00P9111 US

### MESSAGE

Dear Ms. Johnson,

COPY

Pursuant to our telephone conversation today, attached please find a copy of the Declaration for Patent Application executed by the inventors. As shown on page 2, Power of Attorney was granted to all practitioners at Customer No. 25962 (Slater & Matsil, L.L.P.). In addition, the correspondence address was indicated as Ira S. Matsil, Slater & Matsil, L.L.P., 17950 Preston Road, Suite 1000, Dallas, TX 75252.

Please forward a copy of the Petition decision from January 2004 via facsimile to Slater & Matsil, L.L.P. at 972-732-9218.

Thank you for your help. Please let me know if you require any further documentation at this time.

Best regards,

  
Natalie Swider  
Legal Assistant